

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARSHA BUCK, et al.,

Plaintiffs,

vs.

**REPUBLIC SERVICES, INC.,
ALLIED SERVICES, LLC, and
BRIDGETON LANDFILL, LLC,**

Defendants.

Case No. 4:13cv00801 TCM

PRELIMINARY APPROVAL ORDER

Plaintiffs, Marsha Buck, Troy and Jean Lewis, Todd Chowning, and Mike and Janet Head, individually and on behalf of each member of the Settlement Class, and Defendants, Republic Services, Inc., Allied Services, LLC and Bridgeton Landfill, LLC, having made a joint request pursuant to Rule 23 of the Federal Rules of Civil Procedure for an order preliminarily approving the proposed settlement of this lawsuit in accordance with the Settlement Agreement and Limited Release (the “Agreement”)¹ filed with this Court, and the Court having read and considered the Agreement, and Plaintiffs and the Settling Defendants having consented to the entry of this Order:

IT IS HEREBY ORDERED:

1. The Agreement, and all of its terms and conditions, is preliminarily approved as fair, just, reasonable, and adequate, subject to further consideration at a final approval hearing (the “Final Approval Hearing”).

¹ Capitalized terms used herein but not defined shall have the meanings ascribed to them in the Agreement.

2. For purposes of settlement only, the Court conditionally certifies the Settlement Class pursuant to Federal Rule of Civil Procedure 23(b)(3). Marsha Buck, Troy and Jean Lewis, Todd Chowning, and Mike and Janet Head are appointed as representatives of the Settlement Class, and Simmons Browder Gianaris Angelides & Barnerd, LLC are appointed as Class Counsel.

3. The Court approves the form of the Settlement Notice (Exhibit B to the Agreement), and directs that Class Counsel shall serve same upon the Settlement Class (by hand delivery and/or U.S. Mail or its equivalent) no later than May 10, 2014. The Court finds that service of the Settlement Notice in this manner constitutes the best notice practicable under the circumstances to members of the Settlement Class, and complies fully with the provisions set forth in Federal Rule of Civil Procedure 23(e)(1), and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. The Court further finds that the Settlement Notice clearly and concisely informs the Settlement Class of their rights and options with respect to the proposed settlement, in plain, easily understood language, in conformance with the requirements of Federal Rule of Civil Procedure 23.

4. The Court approves the use of a third party vendor to contact potential class members for the purpose of acquiring contact information and to develop as complete and comprehensive list as possible of those included in the Settlement Class, this effort to be paid for by the Settling Defendants without reduction of the settlement payment.

5. As provided for in the Settlement Notice, the Settlement Class shall be afforded the right to either opt out from or object to the final approval of this settlement.

6. The Court approves the form of the notices to “appropriate Federal and State officials,” attached to the Agreement as Exhibit C, and directs each defendant to serve them (by

hand delivery or U.S. Mail or its equivalent) no later than April 25, 2014. The Court finds that service of the notice in this manner complies fully within the provisions set forth in the Class Action Fairness Act, 28 U.S.C. § 1715, and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. As provided for in the attached notice, the appropriate Federal and State officials have ninety (90) days to object or to oppose the settlement.

7. The Final Approval Hearing is scheduled herein for August 1, 2014 at 9:30 a.m., at which time the Court will consider the entry of the Final Approval Order (Exhibit E to the Agreement).

8. Members of the Settlement Class shall have until July 11, 2014 to opt out of the Settlement Class. Any Settlement Class member who opts out shall be excluded from the Settlement Class, and shall have no rights under the Agreement. A request for exclusion must be in writing, state the name of the Settlement Class Member, the address of the Settlement Class Area property, and contain the following statement: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE BUCK CLASS ACTION LITIGATION." The request must be signed and mailed to the address provided in the Settlement Notice and postmarked (or mailed by overnight delivery) by July 8, 2014.

9. All members of the Settlement Class who do not request exclusion shall have until July 1, 2014 to object to the proposed settlement but in no event, not less than thirty (30) days after delivery of class notice. Any objection must be in writing, be signed by the objecting Settlement Class Member, state the specific grounds for the objection, be filed with the Court on or before July 1, 2014, but in no event, not less than thirty (30) days after delivery of class notice, and be mailed to Class Counsel and counsel for the Settling Defendants. Further, any

person objecting to final approval of the Agreement must appear in person at the Final Approval Hearing. Any member of the Settlement Class who fails to timely object substantially in the manner prescribed herein or to appear at the Final Approval Hearing shall be deemed to have waived his or her objections and forever be barred from making any such objections in this action. Only members of the Settlement Class shall have the right to object to the settlement. At any time prior the Final Approval Hearing, Class Counsel and Settling Defendants shall have the right to respond in writing to any objections timely received.

/s/Thomas C. Mummert, III
THOMAS C. MUMMERT, III
United States Magistrate Judge

Dated this 17th day of April, 2014.